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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,603	03/30/2001	Guojun Zhou	42390P10779	1244

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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/822,603

Applicant(s)

ZHOU, GUOJUN

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 13, 14, 16-23, 26-28 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 13, 14, 16-23, 26-28 and 32-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/19/07 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 07/24/06 have been fully considered but they are not persuasive.

With respect to claims 1-31 rejected under 103(a) as being unpatentable over **Griggs (2002/0029384)** in view of **Ellis et al (6,774,926)**, applicant discusses the disclosure of the prior arts of records, amends the claims and argues that the prior arts of record do not teach the amended claim limitations (see page 9+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's arguments, however, Grigg teaches that SS-105 stores users' preferences and account or payment information, location information, etc., and based on these parameters determines whether to include the selected program to the customized list and further establishes a personal communication channel with the user's TV set to transmit the customized TV

programs within a custom channel (page 3, [0036-0038], [0041-0044] and [0046-0050], [0052-0055] and [0064]). By establishing a communication channel to transmit user select TV programs, Grigg customizes a channel for a user, but silent to where the customized channel(s) is created by the user. However, this deficiency is disclosed in Ellis as discussed below in the office action. The amended claims do not overcome the prior arts of record. The amendment to all the claims necessitated the new ground(s) of rejection. **This office action is non-final.**

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5, 13, 14, 16, 17, 18-23, 27, 28, 32 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Griggs (2002/0029384)** in view of **Ellis et al (6,774,926)**.

As to claims 1-3, note the **Griggs** reference figures 1-5, discloses mechanism for distributing content data and further discloses a method comprising:

Providing a program guide of a television programming to enable a customer to create a custom channel by selecting at least one TV program from the program guide and specifying a viewing time (figs.1-5, System Server 'SS' 105, 125, 207, etc, page 2, [0028-0031] and [0033-0034])

Receiving input from the customer including the selected program and the specified viewing time; determining whether to include the selected program in the custom channel; obtaining programs for custom channel and transmitting to the customer the custom channel created by the customer (page 3, [0036-0038], [0041-0044] and [0046-0050], [0052-0055] and [0064-0065]) and further teaches encrypting the broadcast (page 4, [0047-0048]), note that SS-105 stores users' preferences, accounts or payment information, location, etc., and based on these parameters determines whether to include the selected program to the customized list and further establishes a personal communication channel ([0053]) with the user's TV set ([0056] and [0061]) to transmit the customized TV programs (PPV, etc.,) accordingly.

Griggs's System Server customizes a channel for a user by establishing a communication channel with a user to stream broadcast programs (live, PPV or pre-ordered), but fails to explicitly teach where the custom channel is a user created channel.

However, note the **Ellis** reference figures 1-2, discloses personal television channel system, which permits a viewer or contributor to create a personal channel(s) and where a server transmits personal channel(s) and data as indicated by the viewer via cable network or satellite (figs.1, 8-14, col.2, line 57-col.3, line 29, line 55-col.4, line 4, line 59-col.5, line 22, col.9, line 61-col.10, line 33, col.13, line 29-col.14, line 12 and line 24-51).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Griggs to allow a

user to have control of the broadcast channel(s) by indicating to the System Server or the Service Provider, a preferred channel to transmit the requested program(s) of interest.

As to claim 2, Grigg is silent to allowing a customer to create more than one custom channel and obtaining programs for more than one custom channel and simultaneously transmitting to the customer the custom channels.

However, Ellis further discloses allowing a customer to create favorite channels and transmitting the custom favorite channels simultaneously to the customer (col.15, lines 4-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Grigg to allow a customer to create favorite channels and display only the favorite channels and associated selected programs.

As to claims 4-5, Griggs further discloses providing access to TV programming comprises providing the customer at least one access code to the a program in the program guide, an access code including and access level and pre-recording a program in the custom channel if the customer desires to view the program later time (page 3, [0035], [0038-0042] and [0045-0048]).

Claims 13-14 are met as previously discussed with respect to claim 1.

As to claim 16, Gigg is silent to providing a voice recognition interface.

However, Ellis teaches providing a voice recognition interface (col.5, line 57- col.6, line 22).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Grigg to enable a user to control functions or various operations by directly speaking into a voice recognition system thereby eliminating any physical interaction with an input device.

As to claim 17, Grigg further discloses where the user interface comprises a web-based user interface ([0055] and [0061]).

As to claims 18-19, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1.

Claim 20 is met as previously discussed with respect to claims 1.

As to claim 21, Griggs further discloses recordable digital video (Disk/local Storage) "video storage medium" couple to the receiver to receive and store television programming (page 5, [0053-0060]).

Claim 22 is met as previously discussed with respect to claims 1.

As to claim 23, Griggs further discloses an access circuitry coupled to the customer interface, for receiving and verifying a viewer access code (page 3, [0035], [0038-0042] and [0045-0048]).

Claim 27 is met as previously discussed with respect to claim 5.

As to claim 28, the claimed "An article of manufacture, comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 32 is met as previously discussed with respect to claims 2.

Claim 34 is met as previously discussed with respect to claims 5.

Claim 35 is met as previously discussed with respect to claims 1.

Claim 36 is met as previously discussed with respect to claims 16.

5. Claims 3, 26 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Griggs (2002/0029384)** in view of **Ellis et al (6,774,926)** as applied to claims 1, 26 and 28 above, and further in view of **Knudson et al (2005/0273819)**

As to claim 3, 26 and 33, Grigg as modified by Ellis, fail to explicitly teach detecting conflicts and resolving conflicts, etc., within the customized channel(s).

However, note the Knudson reference figures 1 and 17 discloses series recording using interactive TV program guide, where the system can automatically detect conflicts and resolving conflicts, etc., and record programs based on user preferences within user specified channel(s).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Knudson into the system of Grigg as modified by Ellis in order properly record programs within the appropriate broadcast time.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirata (6,374,406) discloses reception method, device and transmission method.

Franco (2002/0046407) discloses use of web pages to remotely program a broadcast content recording.

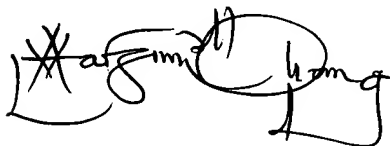


Ellis et al (2005/0028208) disclose interactive TV guide with remote access.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized flourish at the end.

**Annan Q. Shang.**